

Message Text

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PAGE 01 STATE 150616
ORIGIN ERDA-07

INFO OCT-01 NEA-10 ISO-00 FEA-01 ACDA-10 CIAE-00
INR-07 IO-14 L-03 NSAE-00 NSC-05 EB-07 NRC-07
OES-07 DODE-00 SS-15 SP-02 /096 R

DRAFTED BY USERDA/OGC:JGLASGOW:WMK
APPROVED BY OES/NET:DBHOYLE
USERDA/AIA/IRDP:JVANDERRY (DRAFT)
USERDA/AIA/IRDP:SCEJA
L/OES: C SIEGAL
NEA/INS: D KUX/R OBER

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-----117801 290026Z /63

P R 282236Z JUN 77
FM SECSTATE WASHDC
TO AMCONSUL BOMBAY PRIORITY
INFO AMEMBASSY NEW DELHI

UNCLAS STATE 150616

ATTENTION AMERICAN CONSUL

E.O. 11652: N/A

TAGS: TECH, ENGR, PARM, IN

SUBJECT: TARAPUR FUEL STORAGE

REF: (A) STATE 141159; (B) BOMBAY 1789; (C) BOMBAY 1200

1. AS STATED REFTTEL A WE ARE PROVIDING ADDITIONAL LANGUAGE CONCERNING CLAUSE 8, EXCHANGE OF INFORMATION. THE NEW LANGUAGE, WHICH SHOULD BE ADDED AS A NEW PARAGRAPH E, IS AS FOLLOWS: "IE WITH RESPECT TO INFORMATION WHICH IS PROPRIETARY TO ERDA'S CONTRACTORS, GOI AGREES THAT, IN ADDITION TO ACCORDING SUCH INFORMATION THE PROPRIETARY UNCLASSIFIED

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TREATMENT DESCRIBED IN SECTION C. ABOVE, IT WILL NOT USE SUCH INFORMATION FOR ANY PURPOSE OTHER THAN STUDYING THE FEASIBILITY OF INCREASING THE SPENT FUEL STORAGE CAPACITY OF THE TARAPUR STATION. BEFORE USING ANY SUCH INFORMATION (OR PROCURING OTHERS TO USE IT ON GOI'S BEHALF) FOR ANY OTHER PURPOSE GOI MUST FIRST ENTER INTO AN AGREEMENT WITH THE ERDA CONTRACTOR WHO IS THE PROPRIETOR OF SUCH INFOR-

MATION PERMITTING SUCH USE."

2. GOI HAS AGREED TO PROVIDE A LEGAL OPINION REGARDING THE AUTHORITY OF ITS SIGNATORY TO BIND GOI TO ALL UNDERTAKINGS (REFTEL B. PARA 2). WE HAVE PROVIDED A LEGAL OPINION FOR USE OF GOI REGARDING AUTHORITY OF ERDA'S SIGNATORY
REFTEL

A, PARA 3). WE WOULD APPRECIATE EFFORTS OF AM CONSUL IN ASCERTAINING WHEN WE CAN EXPECT TO RECEIVE GOI'S LEGAL OPINION. GOI'S OPINION IS NEEDED BEFORE ERDA CAN EXECUTE A CONTRACT WITH G.E. CONCERNING THE SUBJECT STUDY.

3. WE NOTE THAT A FEW TECHNICAL CORRECTIONS MUST BE MADE IN THE CURRENT TEXT OF THE AGREEMENT AS SET OUT IN REFTEL C. IN CLAUSE 9 OF REFTEL C, THIRD LINE, THE WORD "ITS" SHOULD BE REPLACED BY THE WORD "THEIR". ALSO, REFERENCE TO GOI IS INADVERTANTLY REPEATED IN LINES 5 AND 6 OF CLAUSE 9. WITH THE ABOVE AS WELL AS OTHER MINOR CHANGES, CLAUSE 9 SHOULD READ AS FOLLOWS: "CLAUSE 9: GOVERNMENT OF INDIA AGREES TO IDEMNIFY AND HOLD HARMLESS ERDA, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND PERSONS ACTING ON THEIR BEHALF, INCLUDING THEIR CONTRACTORS AND SUBCONTRACTORS, AGAINST ANY AND ALL DAMAGES, LIABILITIES, OR COSTS INCURRED BY GOI, DAE, OR ANY OTHER PERSON WHICH MAY ARISE FROM THE USE OR APPLICATION OF THE INFORMATION PROVIDED BY ERDA, ITS CONTRACTORS OR SUBCONTRACTORS TO GOI UNDER THIS AGREE-
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MENT; PROVIDED THAT INDEMNITY WILL NOT APPLY TO ANY LIABILITY FOR VIOLATION BY GOI OF PROPRIETARY RIGHTS OR PATENT RIGHTS WITH RESPECT TO ANY PROPRIETARY OR PATENTED INFORMATION PROVIDED BY ERDA, ITS CONTRACTORS OR SUBCONTRACTORS, WHICH PROPRIETARY OR PATENTED INFORMATION HAS NOT BEEN SO IDENTIFIED."

4. FOR AMCONSUL: SHOULD ADVISE GOI IF CHANGES GIVEN IN PARAS 1 AND 3 ABOVE AND ASK WHEN WE MIGHT EXPECT GOI'S LEGAL OPINION. PLEASE ADVISE ASAP. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: STORAGE, NUCLEAR FUELS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE150616
Document Source: CORE
Document Unique ID: 00
Drafter: JGLASGOW:WMK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770231-0372
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770610/aaaaailn.tel
Line Count: 104
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: 87ff7f72-c288-dd11-92da-001cc4696bcc
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TAGS: TECH, ENRG, PARM, IN
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